# TRIED TO HIRE PAYN'S LAWYER

RIDER CADY TELLS OF OFFER BY PRESIDENT M'CURDY.

Made When Cady Had Announced That He Represented the Insurance Depart--Many Other Witnesses on the Stand-Last Session to Be Saturday.

The name of David B. Hill has been added to the list of those who are unable to appear before the Armstrong investigating committee because of sickness.

The committee notified Mr. Hill several days ago that his presence as a witness was desired. The committee wants him to explain the annual retainer of \$5,000 which he drew from the Equitable Life from about the middle of the 90's down to last summer. In reply Mr. Hill wrote that he has been

indisposed for three weeks. Part of the time he has been confined to his bed, but he is on the mend now. He does not think, however, that he ought to venture out for at least two weeks.

Upon the receipt of Mr. Hill's letter the Armstrong committee sent him word that it was the desire of the committee that he should make every possible effort to appear. No reply has been received to the second

The committee will hold its last hearing to-morrow, and Mr. Hill, if he desires to put himself on record, will have to make some move before the public hearings are discontinued.

The committee was engaged yesterday chiefly in clearing up the ends of testimony that has been given in the last week. Lou Payn, his personal counsel, J. Rider Cady, and Robert H. Hunter, first deputy in the New York State Insurance Department, were examined in regard to the State's supervision. George C. Haven, Henry Frederic Cromwell, acting president of the Mutual, and Adrian Iselin, Jr., testified in regard to the Lawyers Mortgage Insurance Company stock scandal. President Ide of the Home Life, Dr. John P. Munn, president of the United States Life, and John J. Merrill, corporation tax clerk in the Comptroller's office, also were

Mr. Hughes got from Lou Payn and his counsel a story of how Richard A. McCurdy, president of the Mutual, had attempted in 1899 to influence the action of the New York State Insurance Department against admitting Prussian life companies to this State. At that time the Prussian Government was holding out against admitting the Mutual Life to that country, although Supt. Payn had certified for the Government that the Mutual was entirely solvent. Mr. Payn testified that President McCurdy,

when he heard that Payn was going to admit the Prussian companies, called him up on the telephone and expressed the hope that he wouldn't do this. McCurdy told the Superintendent that he would like to see him before he acted on the matter, but Payn replied that he was too busy. Then President McCurdy urged the

Superintendent to send his lawyer. Mr. Payn did send J. Rider Cady, although he told Mr. McCurdy over the telephone that his mind was unalterably made up. He sent Mr. Cady because he believed that Mr. McCurdy's position in the insurance world

warranted that courtesy.

Mr. Cady himself told what occurred in his interview with McCurdy. Before attempting to see McCurdy, though, he went to see Lysander Lawrence, who runs the stationery store in the basement of the Mutual building. He went to Lawrence first because he was told that was the way to reach McCurdy. Lawrence introduced Mr. Cady to a man whose name Mr. Cady couldn't remember, and this man escorted the Superintendent's counsel into a private elevator, which took him to the ante-room of McCurdy's office.

Mr. Hughes seemed to have an idea that Mr. Cady's escort was Andy Fields, but Mr. Cady couldn't say as to that, for he never

Mr. Cady said that McCurdy at first expressed considerable indignation over the fact that the State Insurance Department had ignored his views in reference to the Prussian companies. His position in the insurance world was such that he believed his views ought not to be overridden by the Insurance Superintendent of New York, "Did he say whether or not he would be

willing to pay money to have a contrary decision?" asked Mr. Hughes, "No, he did not," replied the witness deliberately. "Our interview lasted an He asked me when I took luncheon nour. He asked me when I took inneheon and if it would be convenient to meet him in the afternoon. I said that it would. I met him again at 2 o'clock, We had an interview which lasted an hour and a half in which ar. McCurdy reiterated his sense of disappointment over this action of the

repartment.

"Finally he said: 'Mr. Cady, what are your relations with the Department of Insurance?' I said, 'Simply those of a counsel who has been consulted from time to time,' 'You are not an officer?' he asked. 'No,' I replied, 'I am not an officer of the State Department.' 'Is there any reason,' he there is every reason why I should not. I have been requested by the Superintendent to come here, and I regard myself to that extent his representative. It would be wholly impossible to take a retainer. I regard the question as closed."

Mr. Cady said that McCurdy did not men-

tion any particular amount of money, reported the interview in substance to Supt.

Payn.

Mr. Payn before he was excused by Mr.

Hughes denied emphatically the hearsay charge that he got \$40,000 from the Mutual Reserve Life, allowing the company in return to draw up its own report.

"It is absolutely false in every particular."

was the way the ex-Superintendent put it. Then he added, bringing his fist down on the

"If any man on earth had ever suggested such a thing as that to me he would have been a fortunate fellow if he got out of my presence with a head on his shoulders."

From Robert H. Hunter the committee got some idea of what a political boss up in Dutchess county, who is connected with

the State Insurance Department can do to a medical director of the Equitable if the director attempts to tread on the boss's toes. Mr. Hughes read into the minutes a letter written by the Equitable to Dr. Horace R. Powell of Poughkeepsie, dismissing him as a medical examiner.

The society regretted to take such action,

but it could not have in its employ a man who was at open war with an official of the State Insurance Department. Mr. Hunter, who was the official referred to, testified that Dr. Powell was struck all at once with

big.head."
"Was he in politics?" asked Mr. Hughes.
"He thought so," was Hunter's reply.
"Are you in politics?" asked Mr. Hughes.
"I am," said Hunter.

"I am," said Hunter.
Hunter testified that the doctor was a
candidate for Mayor of Poughkeepsie and
he had opposed him; also the doctor had
been dropped from the city board of education, and he got ugly and began to attack Hunter. The First Deputy went and saw an Equitable official. He went, not as an official of the department, but in a personal capacity and inquired whether the society wanted a man of Dr. Powell's calibre in its employ. If that was a demand for his removal Hunter declared that he was ready

The First Deputy testified that the department had examined President Frederick Burnham of the Mutual Reserve under oath in regard to the charges of dishonesty and malversion of funds that had been made against him, but that Hunter had been unable to find the testimony. He thought

that there was as much as three type written pages of it. He couldn't say why nothing was said in AT DALY'S THEATRE

A Romantic Drama Founded on The Crossing

BEGINNING NEW YEAR'S DAY MATINEE The trade of the second of the second of

the Chief Examiner's report relative to these charges. He admitted that he was the Chief Examiner's superior, but he didn't feel that it was his duty to instruct the Chief Examiner to say something about these charges. Hunter admitted that he knew that Horace Brockway was being carried on the Mutual Reserve's payroll at \$300 a week, and that President Burnham had got from Brockway substantially the amount which he had drawn from the company as salary.

pany as salary.
George G. Haven testified that he had been a member of the Mutual's board of trustees for eleven or twelve years. He was a member of the company's finance committee and also of the sub-committee in which most of the company's investment sitions originate.

Mr. Haven said that he did not know propositions originate.

Mr. Haven said that he did not know that he was a member of the committee on salaries until a short time ago. The regular members of the committee were George F. Baker and A. D. Juilliard, he thought. He served on the committee while Mr. Baker was away, but he had no idea that he was regarded as a regular member of the committee. His impression was that McCurdy's \$150,000 salary was fixed by Mr. Baker and Mr. Juilliard, and that the committee on salaries was appointed by President McCurdy hinself. Mr. Haven thought that the company's by-laws gave Mr. McCurdy the power to appoint this committee. So far as Mr. Haven knew, this committee had never made any report to the board of trustees or to the finance committee.

Mr. Haven said that he owned 100 shares of the Guaranty Trust Company stock.

of the Guaranty Trust Company stock, 90 shares of the Morristown Trust Company stock, 500 shares of the National Bank of

stock, 500 shares of the National Bank of Commerce stock and 100 shares of the Morton Trust Company stock.

Mr. Haven declared that he did not know that the 1,000 shares of Lawyers' Mortgage In that the 1,000 shares of Lawyers' Mortgage Insurance Company stock, which was divided among members of the Mutual's finance committee, was intended for the Mutual Life itself. He said that Mr. Juillard had come to him in May, 1901, and told him that he had acquired 1,000 shares of the Lawyers' Mortgage stock and that he intended to allot Mr. Haven 100 shares.

At Mr. Juillard's request, Mr. Haven wrote a note to Frederic Cromwell and to Adrian Iselin, Jr., offering them participations in the block. In these letters he stated that the entire matter was supposed to be confidential. He couldn't recall yesterday what there was about it that was of a particularly confidential nature, but he sup-

ticularly confidential nature, but he sup-posed that he wrote the letters in accord-ance with instructions from Mr. Juilliard.

ance with instructions from Mr. Juillard.
Mr. Juillard is at present in Europe.
Mr. Haven said that so far as he knew
the Lawyers' Mortgage stock proposition
had never been brought before the Mutual
Life's finance committee, and he did not
know that President McCurdy had ever
had it updar consideration as a possible had it under consideration as a possible burchase by the Mutual. He couldn't ex-blain how it happened that the 1,000 shares was distributed among members of the Mutual's finance committee except that they were accustomed to enter into business propositions together. Mr. Haven bought his stock at 125 and sold it for 185 live or six

months later.

Mr. Haven has participated in a good many syndicates in which the Mutual Life has been interested, and Mr. Hughes asked him to prepare a complete statement and present it to the committee to-day.

Henry Morgenthau testified that he sold the 1,000 shares of Lawyers' Mortgage stock to Mr. Juilliard. He said that he had asked President McCurdy to have the Mutual take this stock, but that Mr. McCurdy held off because he was vexed with Mr. Morgenthau because he did not offer the Mutual a participation in a new issue the Mutual a participation in a new issue of the Lawyers' Title Insurance Company stock which had been made a short time before the Mortgage company stock was

offered.
Mr. Morgenthau testified that Mr. McCurdy finally agreed to take the stock if Mr. Morgenthau would effect a merger of the Lawyers' Title and the Lawyers' Mortgage Insurance Company. This he was unable to do, as he didn't want the open enmity of the Mutual and its friends. Mr. Morgen-thau finally arranged that Mr. McCurdy and his friends should have the 1,000 shares personally. It was after that that Mr. Juilliard got them.

Mr. Cromwell testified also that it had

his Mortgage insurance company stock and been offered to the Mutual. Cromwell expressed the opinion that the Mutual would save on the expenses of its management under the new regime

more than \$1,000,000 and possibly \$1,500,000 a year. He thought that the economies in the supply department would amount to \$300,000 a year, and there would be a aving in salaries alone amounting to 250,000 a year.

Mr. Hughes wanted to know whether Mr.

Cromwell as acting president had made any efforts to find Andy Fields. "Only in seconding what had already been done," said Mr. Cromwell.

been done, "said Mr. Cromwell.

Mr. Cromwell said that the messenger sent to California by President McCurdy in search of the legislative supervisor was Thummel, Andy Fields's pal in the legislative supervising business. Mr. Cromwell said that Thummel had traveled extensively, but not successfully, in his search. When Mr. Hughes inquired where had gone Mr. Cromwell laughed and

"I don't know; it is not in my department.

Corporation Tax Clerk Merrill testified that Andy Hamilton had represented, besides the New York Life, the following companies in recovering taxes paid premiums: The Equitable, Home, M hattan, Metropolitan, Mutual, Mutual serve, Provident Savings and United States. These are the recoveries made States. These are the recoveries made under the decision in a test suit brought

by the Provident Life.

President Ide of the Home Life testified yesterday that his company had made its recovery through its regular counsel without paying Hamilton a cent. Mr. Merrill was mistaken, he said, in including the Home Life in the list. Dr. Munn testified also that his company did not pay Hamil-ton a cent for collecting for them, because he had represented to them that he did not care for a counsel fee; that Hamilton said he merely wanted to carry the thing through along the lines which he had followed in the

trial of the test suit.

The hearing will be continued this morning. To-day's proceedings will practically wind up the taking of testimony. Saturday will be devoted largely to the reading of statements that must be incorporated in the

Acting District Attorney Nott said vesterday that a stack of testimony several feet high had been received from the in-surance committee. He added that it would doubtless take a month to go over criminal end of the insurance disclosures.

### BRACKETT IN WASHINGTON.

Consults Wayne MacVeagh About Insurance Legislation-President's Views.

WASHINGTON, Dec. 28.-State Senator Edward Brackett arrived in Washington from New York to-day and was in conference for two hours with Wayne MacVeigh. former Attorney-General and former Ambassador to Italy, at the latter's law office It is understood that the conference related to prospective insurance legislation in New York, but no statement was given out as to what was discussed. Mr. MacVeagh has been giving considerable attention to insurance laws and has some positive views on the subject of State statutes and the limita-tions upon Federal insurance laws.

It became known to-day that the President has sought the advice of eminent

counsel on the subject of Federal insurance laws and that the bill of Representative Butler Ames of Massachusetts more nearly neets the President's views than any other meets the Fresident's views than any other bill proposed in Congress. Mr. Ames's bill was framed after much study and counsel. It provides a code to which insurance companies must conform before being privileged to transact business in the District of Columbia, the territories and the insular possessions of the United States.

possessions of the United States.

It is agreed by all lawyers that Congress may legislate to control insurance companies within the jurisdiction named. Beyond that there is a serious question as to its constitutional powers. It is said to be the President's aim to avoid constitutional pitfalls in any insurance legislation. tional pitfalls in any insurance legislation

enacted.

In the Ames bill it is contended that it would make a standard which the insurance companies would be compelled to meet and which the States would pattern after in their statutes, and in the end the objects desired would be secured through the exemplary Federal statute and uniformity of State laws. Senator Dryden's views in favor of Federal control of insurance, outlined in an interview recently, do not, it is said, meet the President's ideas.

### J. H. HYDE SAILS FOR FRANCE. Leaving Word That He Doesn't Intend to Give Up Citizenship Here.

James Hazen Hyde, former vice-president of the Equitable Life, sailed yesterday for Havre aboard the French liner La Lorraine, declaring that he was tired out and wanted a few months rest away from the newspapers. He declined to pose for two photographers, saying he had been the butt of newspaper artists for a year and was weary of it all. He wore no violets, but some joker sent him a bunch just before the ship sailed, and he received them with a faint

He said he wanted it understood that he He said he wanted it understood that he had no intention of living permanently in France or of becoming a citizen of the country; that he was merely going there on a brief visit. He declined to express any views on recent developments in the insurance investigation, saying he was "tired of the whole business." He declared that he had nothing to regret about it personally, as it had got him out of the bands of "stranges". as it had got him out of the hands of "strang-

### N. Y. LIFE'S COMMITTEE BUSY Investigating the Andy Hamilton Pay-

ment and Will Soon Report. The Fowler investigating committee of the New York Life announced yesterday

that it is engaged in a thorough and ex-haustive examination of the "Hamilton matters" and that it will at the conclusion of its investigation make a full report on the subject to the New York Life's board of trustees. Until thea the committee will trustees. Until then the committee will have nothing to say in regard to the matter. Richard A. McCurdy, ex-president of the Mutual Life Insurance Company, and his son-in-law, Louis A. Thebaud, have retired as directors of the United States Mortgage and Trust Company.

### The Lord Good to Smith.

"Dollar a Line" Smith, president of the New York Press Club, has sent a postal card to members of the club and others.

DEAR Sin: I shall be pleased to meet you at the Press Club on Saturday, December 30, between the hours of 2 P. M. and 4 P. M., to celebrate the close of the year. Some of the good things the Lord has steered this way will be discussed, and we will scatter seeds of will be discussed, and kindness. Yours fraternally, Changes J. Smith.

David B. Hill Confined to His House Since | Mari Early in November With a Cold.

ALBANY, Dec. 28.—David B. Hill has been suffering from a severe cold and has kept to the seclusion of his suburban home, Wolfert's Roost, since before the November election. His eyes have been so affected that the physicians have refused to per-mit him to work, but otherwise it is understood his condition has not been serious. It is reported that he is now mending and expects soon to get down town again.

### JUDGE PENFIELD RESIGNS.

The Solicitor of the State Department Voluntarily Retires From Office.

WASHINGTON Dec. 28 -- Announcement was made to-day that the President had accepted the resignation of William L. Penfield of Indiana as Solicitor for the Department of State. No official statement of the reason for Mr. Penfield's retirement was forthcoming beyond that it was entirely voluntary on his part and that the President and the Secretary of State greatly regretted to lose his services, which are cenerally considered to have been of the ighest value to the Government. One Administration officer of high rank said that Mr. Penfield was a \$50,000 man who naturally was dissatisfied with the salary of \$4,500. Mr. Penfield has been Solicitor of the State Department for more than

As the agent of the President, Mr. Penfield made a visit to Brazil this year on a confidential mission, the nature of which as not been disclosed. It was rumored that he went there to inquire into charges against David E. Thompson of Nebraska, the American Minister to Brazil. After it became known to-day that Mr. Penfield had resigned it was currently reported he was dissatisfied because in the face that he was dissatisfied because in the face of his report Mr. Thompson had been appointed Ambassador to Brazil, a decided promotion. Nothing to throw any light on this statement could be obtained from Mr. Penfield or any other authoritative

Mr. Penfield is the only man who has Mr. renned is the only man who has appeared before the tribunal of arbitration at The Hague in both the cases which have come before it for adjustment. The first of these was the Pious Fund arbitration between the United States and Mexico, and the second the celebrated test of the question which yeard force. question whether a nation which used force to collect debts from another nation was entitled to preferential treatment over a creditor nation which sought to collect its debts through diplomatic sources. On that occasion Mr. Penfield represented the United States, whose proposition was similar to that of Venezuela and the other nations which disputed the claim of England, Germany and Italy to preferential treatment from Venezuela because they had used coercive measures to make Venezuela pay her obligations to their subjects.

WASHINGTON, Dec. 28. These army orders were saied to day:
Major William H. Coffin, artillery corps, from

These naval orders were issued: Capt. A. McCrackin, to Mare Island, Cal. Lieut. E. T. Fitzgerald, to New York Navy Yard.

## PICTURES DESTROYED BY FIRE

OAK DOORS ENHANCE LOSS AT CLAUSEN'S ART STORE.

Twelve Foot Painting Blocked Firemen's Way Up Staircase—Fifth Avenue Traffic Blocked and Hotel Guests Excited -Water Tower Barely Escapes Wreck.

Between \$10,000 and \$25,000 worth of paintings were destroyed early last night in a fire which gutted two floors of the building at 381 Fifth avenue, occupied mostly by William Clausen, an art dealer. The police put the damage at \$10,000 on a guess. It was learned later, however, that three paintings each valued at \$7,000 had been completely ruined.

Clausen occupies the ground floor and the two upper floors of the four story brown stone building which is almost directly across the street from the New York Club and a little more than a block north of the Waldorf-Astoria Hotel. The second floor s used as a tailor's shop by E. Twyeffort.

For a week past in Clausen's main show rooms on the street floor there has been an exhibition of the paintings of Parker Mann The upper floors of the building were stocked with paintings and valuable works of art.

The fire was discovered early last nigh by Policeman John J. Smith of the Tenderloin station, who saw smoke coming from an upper window. Smith turned in an alarm. When the firemen got to the building they encountered two sets of heavy oaken doors. It took sharp work with axes to gain an entrance.

After getting into the ground floor room the firemen found their way to the stairs blocked by a painting, 12 by 15 feet, which completely filled the stairway. By the time they had removed it the fire had gained good headway on the third and fourth

It took an hour to put the fire out. The firemen saved some paintings on the walls, but a large number of others were de-stroyed. As Mr. Clausen lives in Cornwall, N. Y., no definite information could be obtained as to their value by the police or firemen. Some damage was done to the tailor's shop, but the Clausen showrooms

tailor's snop, but the Clausen showrooms escaped with but little damage.

The four story private dwelling next door, at 379 Fifth avenue, is occupied by Mrs. Sophia Torrance, widow of Daniel S. Torrance, and her daughter and son-in-law, John Hadden, Jr. Smoke got into the house and caused some excitement. The former went through the house hesides. firemen went through the house, besides, to reach the roof of the burning building. The fire also caused considerable excitement in the Waldorf-Astoria and blocked

affic on Fifth avenue. No one was hurt. Water Tower No. 3, quartered in Thirtythird street, near Sixth avenue, had a narrow escape from being wrecked while respond-ing to the alarm. A Thirty-fourth street car broke down in the middle of the street at Fifth avenue. William Carney, who was driving the three horses on the water tower, did some clever work and missed the car by a hair's breadth.

### STEEL SHIP LOST WITH CREW. Twenty-three Perish in Destruction of the

Pass of Melfort on Vancouver. VICTORIA, B. C., Dec. 28 .- Caught on a lee hore in the southwest gale that has raged off the entrance to the Straits of San Juan de Fuca and the western coast of Vancouver Island since Christmas eve, or else deceived by the identical character of the leading lights at Destruction Island, off the Washington coast, and Lennard Island, well up the Vancouver Island seaboard, the British steel ship Pass of Melfort in the hurricanes of Tuesday night was dashed to destruction a quarter of a mile east of Amphitrite Point and went down with her crew of twentythree men.

The ship was bound from Panama for Puget Sound in ballast to take a cargo of lumber for the South American coast. Her master was making his first voyage in these

The sea has already begun to surrender the bodies of the Pass of Melfort's crew, and the subsidized wrecking steamer Salbelonging to the British Columbia Marine Railway Company of Esquimault, sailed for the scene at daybreak this morn-

# Clash With Dominican Troops Sent After

the Departing President. WASHINGTON, Dec. 28 .- The State Department has a despatch from Santo Domingo City which says that there is fighting about 100 miles west of the city between the followers of Morales and the troops which the Cabinet sent after the departing President. The despatch indicates that the fighting was going on yesterday. Neither

its extent nor the result is known. Senor Joubert, the Dominican Minister, had an extended conference with Secretary Root to-day, lasting nearly an hour. The Minister had a despatch from Senor Tejer, the Minister of Foreign Affairs, this morning, and he transmitted the contents of it

to Mr. Root. After the conference Senor Joubert said here was not the remotest possibility of the modus vivendi being affected. He said the Government was so strong that no revo-lutionary movement could disturb it. The arty now in control, he continue favor of the pending treaty and desired hat the modus vivendi be continued. Ac-ordingly there will be no need of assistance any sort from this Government, even

In the Minister's opinion, Morales does not intend to start a revolution. He does not know what the erstwhile executive oes propose to do, but he is confident that lorales is not foolish enough to stir up a ght, knowing perhaps better than any one else that no one can defeat the Government is it now stands. He thinks Morales has aken to the country and will merely wait developments, hoping that the United developments, hoping that the United States will take his side. Senor Joubert says his country is sick of revolution.
Vice-President Caceres left Puerto Plata for Santo Domingo City yesterday and is due to arrive at the capital to-morrow. He will probably at once take the oath of office as President. This was communicated to

as President. This was communicated Mr. Root by the Dominican Minister to-Change in Name of North Atlantic Fleet. WASHINGTON, Dec. 28 .- Orders were isued by Secretary Bonaparte to-day directing that after January 1 the present North Atlantic fleet, which is composed of all of the warships in Atlantic waters, be known as merely the "Atlantic fleet." The latter term is deemed much more appropriate and as more indicative of what the fleet really is. Some months ago the European squadron, the North Atlantic fleet, the South Atlantic squadron and the Caribbean squadron were all thrown into one large under command of Rear Admiral Rob

fleet, and was divided and subdivided into squadrons and divisions. The order of to-day does not affect the organization of the fleet but only the name. Admiral Sigsbee's Squadron Ordered to the Mediterranean.

Evans, and designated as the North Atlantic

WASHINGTON, Dec. 28.-The Navy Department was informed this afternoon of the decarture of the cruisers Brooklyn and Galveston from Tompkinsville for Gibraltar. The Brooklyn is Rear Admiral Sigsbee's flagship. The remainder of Admiral Sigsbee's division of the North Atiantic fleet, consisting of the cruisers Tacoma and Chattanooga, will join Admiral Sigsbee at Gibraltar. The o are for a cruise in the Mediterranean. Gaiveston and the Chattanooga will The orders to the Asiatic station. acoma and Chattanooga are now in the

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## SPURIOUS BABY FOR MAN OF 65.

MRS. TILLMAN TRIED TO FOOL HER AMBITIOUS HUSBAND.

He Left Her and She Wants Allmony, but He Produces an Agreement to Be Man and Wife in Which She Bound Herself Never to Make Any Claim on Him.

A crippled couple and a spurious baby figure in the divorce story told to Supreme Court Justice Fitzgerald yesterday by Alfred Steckler in opposing an application for alimony made by Wilhelmine F. D. Tillman. Mrs. Tillman wants a legal separation from Charles Tillman, who she says is worth \$75,000.

Mrs. Tillman is 55 years old and cannot use her right arm. Her husband, who says that there is nothing more between them than a sort of understanding, cemented by a written agreement in which she agreed never to make any claim upon him, is 70 years old and paralyzed on the right side He also has, according to his complaint, "a star" in his eye which affects his eye-

sight.
The Tillmans lived at 129 East Eighty-fifth street until September last, when, the woman says, Tillman left her, saying that he would never return. She wants ali-

mony.

Tillman sets up that he never married the woman ceremonially, but that she voluntarily signed on August 28, 1839, an agreement with him, which he submits to the court, by which, after reciting that they had agreed to consider themselves man and wife, she bound herself never to make any which, after the polynomial of the court o claim upon him of any kind or nature. He also tells a story of her disappearance to a strange house about five years ago where he found her with a newly born babe. that the child was not hers, but that she had tried to deceive him because of his desire at 65 to become a father. She has several children by her first husband, Poetzsch.

Justice Fitzgerald reserved decision.

SUE CIVIC FEDERATION MAN. Garment Workers Say Henry White Profited

by Union Printing. An allegation of graft in the labor business is made in a case brought to the surface yesterday by an order made by Supreme Court Justice Leventritt for the vice upon Henry White of the Civic Federation of the summons and complaint in an action brought against him by Thomas A. Rickert, president of the United Garment Workers of America. White was general secretary of the union

from 1897 to 1904. He lives at 73 West from 1897 to 1804. He lives at 73 west 116th street, and, according to Rickert and Bernhardt A. Larger, the present general secretary, has been avoiding ser-vice. Under Justice Leventritt's order the summons may be nailed to his door, rickert alleg a that while White was general secretary, getting \$30 a week, for which he was supposed to devote all his time and attention to the interests of the union, he was getting a profit out of the union's stationery bill. This profit was derived, it is alleged, through White's connection with the New York Bond and Marine Railway Company of Esquimault, sailed for the scene at daybreak this morning in the hope of rendering aid in the work of recovering more bodies.

MORALES'S FOLLOWERS FIGHT.

Graph With Downsteen Traces Sent After

typewritten statement concerning the suit: This suit is simply an attempt on the part of my successor to distract attention from the disastrous administration of his office by casting reproach upon my charac-ter. The complaint is preposterous. My connection with the New York Bond and Tieset Company I have made known in all its details. This company, by reason of specially designed machinery, furnished the union office with cheaper and better labels than it could get elsewhere. This I can readily show. The New York Bond and Ticket Company did a general printing business, and not until some time after I assumed office did its business with the union amount to much." Mr. White is said to be studying law

### BROOKLYN R. R. IMPROVEMENTS To Be Far in Excess of Original Plans -85,000,000 in Electrification.

The Long Island Railroad Company announced yesterday that its \$10,000,000 programme of improvements in the borough of Brooklyn, which was started about four years ago, will be completed within fifteen months. Since the programme began with grade separation in Atlantic avenue, between Atkins and Fifth avenues. the scope of improvement has so broadened and increased that the company says Brooklyn is to have railroad facilities, both freight and passenger, far in excess of what was originally contemplated. Complete plans have been shown by the ailroad company. Generally speaking, the improvement

Generally speaking, the improvement programme is in three sections, the Atlantic programme is in three sections, the Atlantic avenue grade separation, the Bay Ridge grade separation and freight terminal and the Brighton Beach grade separation.

The grade separation in Atlantic avenue, which has been accomplished by subway and elevated sections, cost about \$2,500,600, of which the city of New York paid half. The electrification, which is 85 per cent. completed, will cost about \$5,000,000 more. The passenger terminal at Elathush and completed, will cost about \$5,000,000 indee. The passenger terminal at Flatbush and Atlantic avenues is well under way. A two story freight house is to be erected in the block bounded by Flatbush and Atlantic avenues and by Hanson place and Fort Greene place. It will have an additional story underground. A large additional story underground. A large express stable is to be put up on Atlantic avenue between Sixth and Carlton avenues. In connection with the main freight station reight delivery yards are to be established at a dozen points, covering practically the

entire borough.

The Bay Ridge improvement scheme The Bay Ridge improvement scheme contemplates a separation of grade between Bay Ridge and the Brooklyn city line. A freight terminal will be erected at Bay Ridge which will cover 790 city lots. It is to be between Sixty-fourth and Sixty-sixth streets west of Fourth avenue. The Brighton Beach improvement contemplates grade separation between Manager and Manager in the Back in the street was a separation between Manager in the Back in the second Manager in the sec hattan Beach and Manhattan Beach junc-

tion. Movements of Naval Vessels. WASHINGTON, Dec. 28.-The cruisers Des

Moines and Denver have arrived at San Juan, the cruiser Cleveland at Culebra, and the gunboat Princeton at San Francisco. The battleship Wisconsin has sailed from Hongkong for Cavite, the battleship Reamange from League Island for New York, the gunboat Paducah from Norfolk for Monte Cristi, the fuc Uncas from Key West for Chiriqui Lazoon, the cruiser Boston from Panama for Acapulco, and the eruiser Chicago from Honolulu for San For Friday and Saturday.

### Men's Good Suits

Single or Double Breasted English Walking Frock Suits. Values \$25 to \$35,

\$19.50

AKE up your mind to-day to "see what they look like." You will observe first that Smith Gray & Co. clothes define your figure; that the coat fits freely and comfortably in the arm-scye, without prejudice to the fit of the coat collar; that the trousers are just as you like them; that the goods are smart and alive with all the elasticity of worth. And why not? The suits were made to sell at from \$25 to \$35. Friday and Saturday-\$19.50.

## Smith Gray & Co.

BROADWAY AT SIST ST., NEW YORK. FULTON ST. AT FLATBUSH AV., BRC ADWAY AT BEDFORD AV., B'KLYN.

TRY IT IN YOUR BATH SCRUBB'S

A DELICHTFUL PREPARATION. Refreshing as a Turkish Bath. Invaluable for Toilet Purposes. Splendid Cleansing Preparation for the Hair.
Allays the Irritation caused by Mosquito Bites. Invigorating in Hot Climates. Restores the Color to Carpets.
Cleans Plate and Jewelry. Softens Hard Water.
So Vivifying after Motoring and other Sports.

Mollient Ammonia.

### Used by all the Royalties of Europe.

Little Digging Done, but the Canal Zone Has Been Made Healthy.

WASHINGTON, Dec. 28.—The annual report of the Isthmian Canal Commission was made public to-day. It says: "The members of the commission decided,

during their first trip to the Isthmus that it would be useless to hope for large and satisfactory results in canal work, either in quantity of excavation or in cost, until thorough preparation had been accomplished in several directions. The Isthmus must be made healthy by thorough sanitation, proper quarters and food must be provided for employees, and adequate terminal facilities must be constructed for the prompt and economic handling of supplies and material. It was decided, therefore, to stop at once excavation on a large scale until the preparatory work was done. The commission realized that this was a radical change of policy, but believed that it would be approved when a full statement should be made of existing conditions and of the difficulties to be overcome before

canal construction could be undertaken in

accordance with a comprehensive and sys-

tematic plan.' The net results of efforts in this direction, the report says, is that 58 new buildings have been erected and 67 more are in course of construction; two new hotels, of from 55 to 60 rooms, each have been completed and eight others have been authorized, a portion of which are under construction; all employees have an opportunity to obtain an abundant supply of whole-ome food, cooked and uncooked, at reasonable price, and the silver men—that is, the common laborers—are being fed for 30 cents per day and the gold employees—that is, those of the higher class—at 90 cents per day, and they get good food in place of bad. The force employed on the isthmus on November 15, 1005, numbered approximately 17,000. Of these, 11,300 were under the department of construction and engineering 2,000 points the large transfer of the second seco ing, 2,000 under the bureau of material and supplies, and 3.050 under the department of government and sanitation. There were in the local auditor's office 46 men and in the office of the disbursing officer 21. Of the 17,000 employees about 2,705 were on the gold rolls and 14,250 on the silver rolls. The umber of white Americans on the Isthmus is estimated at 1,500. The Panama Railroad Company employs about 2,500 men, who are

The report gives the engineering work of the year and the number of cubic yards of material removed. Of work on the Culebra cut the report says:

"The work on the Culebra cut was undertaken with the idea that the excayation

taken with the idea that the excavation done would be useful in any plan or any type of canal that might be adopted. This only true to a limited extent. ic organization for attacking this cut can effected until it is known how much material is to be removed and the depth to which the cut is to be excavated. If 120,000,000 cubic yards are to be removed it must be attacked in an entirely different namer from what it would be if only 40,-000,000 or 50,000,000 cubic yerds were to be removed. If the sea level type he adopted, about one-eighth of the total in that cut will be rock under water, whereas in the case of a lock level canal with a summit not less than 60 feet above tide there will be none. It is, therefore, of the utmost importance that the type of canal be decided upon with the least possible delay.

### THE STATE'S FINANCES.

Receipts During the Year, \$20.195,569; Expenditures, \$28,479,330.

ALBANY, Dec. 28.-State Comptroller Kelsey announced to-day that he believes the Stock Transfer Tax act will produce during the first year over \$5,000,000, of which about \$1,125,000 was received in the Treasury during the fiscal year ending September 30.

The other sources of the State's revenue were about \$9,160,000 from the liquor inx, \$4,600,000 from the transfer tax, nearly \$7,000,000 from the tax on corporations, including organization tax; about \$1,000,000 of direct tax, and various other items. making a total of receipts from all sources of \$29,195,569, while the total expenditures for the same period were \$28,479,350. The principal items of these expenditures include, in round numbers, \$5,800,000 for

educational purposes, \$5,700,000 for treatment of insane, \$8,400,000 for charitable institutions, \$3,000,000 for canals (which however, includes \$800,000 of investments and sums paid to retire bonds), \$1,000,000 each for State prisons, national guard and the judiciary.

There was also paid to various counties,

to meet judgments of the Court of Claims, under the Radroad Bonding act, something over \$600,000. The cash balance of all funds in the Treasury on September 30 last was \$10,357,014.

was \$10,357,014.

The bonded debt of the State was \$11,-155,660, but there was at the same time in the canal debt sinking fund, to meet a por-tion of this debt, the sum of \$4,607,457, leaving the net bonded debt of the State \$6,548,202, which includes \$2,000,000 of the first issue of bonds for the barge canal.

CANAL COMMISSION'S REPORT. ALL HOUSESMITHS TO STRIKE. Will Demand \$5 a Day and Make a Fight to Get It.

The Housesmiths and Bridgemen's Union announced yesterday that on Tuesday it will enforce a demand for \$5 a day, by a strike if need be, against all employers within fifty miles of New York. About 4,600 housesmiths will be involved. Compared with this movement the strike against Post & McCord is insignificant.

The demand was made long before the strike against Post & McCord was declared, and when the union was under the arbitration agreement. The present wages of the housesmiths is \$1.50 a day. The union has been ruled out of the general arbitration board and cannot arbitrate its demands. T. F. Farrell, business agent of the house-

miths, said yesterday that the demand

had nothing to do with the strike against Post & McCord, and would have been enfore d anyway. "We notified the employers nearly a year ago," he said, "that the \$5 a day demand would be made to go into effect on January We have received no reply yet, but there is a demand for iron workers everywhere throughout the country and

will be for some time. The strike will throw 50,000 people idle in the other trades." The demand is made on all the independent employers as well as on the mem-bers of the Iron League, which is out of the general arbitration board.

"The union may take this foolish step," said Secretary Cheney of the Iron League, "and probably will. A strike of this kind, no matter what the result may be, is a loss to the workers. If the union had general arbitration board stood by the arbitration agreement the demand would have been arbitrated and the union would have gained something in all probability without any term of idleness. Now they may be idle for many weeks

through a strike which they may lose in the

Printers Strike on Tuesday. It was announced by the Typothetas yesterday that the shops of its members will be opened on the open shop plan on Tuesday. Meetings of the executive and publicity committees of the Typothetæ will be held daily during the strike of the

A Beefsteak Dinner is not complete without Evans Cream Ale.

ESTABLISHED NEARLY HALF A CENTURY W/E beg to announce that we direct the same care to automobile livery that we have so long given to carriage livery.

For the electric vehicle chauffeur we offer great coats in fine beaver or box cloth; for the gasoline car chauffeur, heavy fur coats in dogskin, calfskin, coonskin, ponyskin, etc. In these garments we have combined smart style

with practical construction. Subway Station at Our Door.

ASTOR PLACE AND FOURTH AVENUE